

# State of South Dakota

## EIGHTIETH SESSION LEGISLATIVE ASSEMBLY, 2005

633L0755

### HOUSE BILL NO. 1223

Introduced by: Representatives Van Norman, Boomgarden, Bradford, Gassman, Glenski, Glover, Haley, Halverson, Jensen, Kroger, Lange, Miles, Putnam, Roberts, Sigdestad, Street, Thompson, Valandra, and Vehle and Senators Kloucek, Adelstein, Bartling, Dempster, Gray, Hundstad, Kooistra, McNenny, and Sutton (Dan)

1 FOR AN ACT ENTITLED, An Act to establish the South Dakota Native American Youth  
2 Conservation Program.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. Terms used in this Act mean:

5 (1) "Department," the Department of Labor;

6 (2) "Participant," any person who has been selected to participate in the program;

7 (3) "Project," any work project for conservation, public works, historical, cultural,  
8 archaeological, recreational, or other approved purposes that is carried out by  
9 participants in the program;

10 (4) "Program," the South Dakota Native American Youth Conservation Program.

11 Section 2. The South Dakota Native American Youth Conservation Program is hereby  
12 established as a voluntary program to be administered by the Department of Labor by agreement  
13 with the respective Indian tribes located in South Dakota. Under the program, any person who  
14 is an enrolled member of a South Dakota Indian tribe and is at least eighteen but not more than



1 twenty-five years of age may be selected to participate on a part-time or full-time basis in the  
2 implementation of work projects related to conservation, public works, historical, cultural,  
3 archaeological, recreational, or other approved projects within the State of South Dakota.

4 Section 3. Under the program, the department may enter into an agreement with any South  
5 Dakota Indian tribe to enable enrolled members of the tribe to participate in the program. The  
6 department, the tribe, or both, may propose projects that may be implemented under the  
7 program. Projects may be located inside or outside of reservation boundaries, but may not be  
8 located outside the State of South Dakota. A member of an individual tribe may only participate  
9 in a specific project if the department and the tribe have approved the project. Projects may  
10 include response to natural disaster or emergency in addition to the purposes specified in section  
11 2 of this Act if approved by the tribe and the department.

12 Section 4. The department shall specify the number of program participant openings that are  
13 available to each participating tribe. No person may participate in the program unless selected  
14 by the tribe in which the person is enrolled. Participants shall be employed by the program under  
15 terms and compensation established by the department with the approval of the tribe.

16 Section 5. The department may enter into agreements to carry out the purposes of this Act,  
17 including agreements with any Indian tribe, state or federal government agency, corporation,  
18 county, municipality, township, special purpose district, public school district, nonpublic school,  
19 tribal school, or other tribal entity or nontribal entity. Participation in the program by any tribe,  
20 tribal entity, or tribal member is on a voluntary basis in accordance with any agreements entered  
21 into pursuant to this Act.

22 Section 6. The Department of Labor shall promulgate rules pursuant to chapter 1-26 to  
23 provide for:

24 (1) Criteria and requirements for selection of persons to participate in the program and

1 standards for continued participation in the program;

2 (2) Procedures, requirements, and deadlines for application and selection of persons to  
3 participate in the program and for withdrawal, suspension, or termination of  
4 participation;

5 (3) Criteria and standards related to compensation, benefits, and working conditions for  
6 program participants;

7 (4) Criteria, standards, and procedures for the selection and approval of projects to be  
8 undertaken under the auspices of the program;

9 (5) Requirements and standards for selecting and securing equipment, materials,  
10 supplies, transportation, housing, board, and other needs associated with the  
11 operation of the program; and

12 (6) Administrative, reporting, record-keeping, and other requirements necessary for the  
13 operation of the program.

14 Section 7. Operation of the South Dakota Native American Youth Conservation Program  
15 shall begin no later than July 1, 2006.